

April 25, 2005

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APRIL 25, 2005

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
LEN MCDONALD
MICHAEL REIS
KATHLEEN LOCEY
KIMBERLY GANN

ALTERNATE: HOWARD BROWN

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: STEPHEN RIVERA

REGULAR MEETING

MR. KANE: I'd like to call to order the April 25, 2005 meeting of the New Windsor Zoning board.

APPROVAL OF MINUTES DATED 3/14/05 AND 3/28/05

MR. KANE: Can I have a motion to accept the minutes of the two meetings that we received late in the mail last time?

MR. REIS: So moved but you have an exception in

there, Mr. Chairman, if I may, page five you've got me down for roll call and a vote and I had to recuse myself from that.

MR. KANE: So with that correction?

MR. REIS: I move we accept the minutes as written.

MR. MC DONALD: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

PRELIMINARY MEETINGS:

PAUL ETESS (05-19)

MR. KANE: Request for five foot six inch side yard setback for existing screen porch at 4 Lannis Avenue in an R-4 zone.

Mr. Paul Cuomo and Mr. Paul Etess appeared before the board for this proposal.

MR. CUOMO: I'm going to represent Mr. Etess. I have a few pictures here, the main thing, the main thrust of this is that Mr. Etess built a porch back in 1999, he had the right side yards at the time but he didn't get a building permit but the side yards were correct but in 2002 the ordinance changed from 15, 30 to 20, 40, if you're familiar, you people know about side yards more than I do, you know what that means, that means that he's five feet, he's five feet over, five foot six exactly. So he would be requesting a variance of five foot six to put him in the legal situation. Now I have a few pictures here if you want to look at them.

MR. KANE: Yeah, we have that.

MR. CUOMO: Okay, I wasn't sure. I think his extension fits into the neighborhood, same colors and doesn't clash with anything, so it should be fairly compatible.

MR. KANE: In the building of the addition on the side, cutting down of any trees or substantial vegetation in the building of this?

MR. ETESS: No.

MR. KANE: Creat at any water hazards or runoffs?

MR. ETESS: No.

MR. KANE: Has there been any complaints formally or informally about it?

MR. ETESS: No.

MR. KANE: Doesn't go over any easements?

MR. ETESS: No.

MR. KANE: Okay, do you understand also that if the board, everything has to be done during a public meeting, we're going to do the same thing in the public, New Windsor does a preliminary so we can get an idea of what you want and you can get an idea of what we need to help you get that. Some towns just do it cold so if you want in and you don't have the stuff, you lose. So that's why we're doing it in a two step process here. If the board sees fit to approve this variance during the public hearing you understand that you still have to pass all the codes from the building department?

MR. ETESS: Yes.

MR. KANE: Okay, any other questions?

MR. REIS: It's consistent with other extensions in the neighborhood?

MR. CUOMO: Yes, I would say so, yeah.

MR. KANE: As long as we have him here, just looking at it, we don't, is this all here, the whole macadam driveway, the whole corner of the property here, sir, is that all macadam?

MR. ETESS: Yes.

MR. KANE: There's no developmental coverage problem, is there, Mike?

MR. BABCOCK: His lot is very deep, Mr. Chairman.

MR. KANE: I just want to make sure we cover all the bases.

MR. BABCOCK: I'm almost positive, just by looking at it, if you look at his lot, it's very deep, I'm sure it's fine.

MR. KANE: That's all I have for right now.

MR. REIS: Accept a motion?

MR. KANE: I will.

MR. REIS: Make a motion that we pass Mr. Paul Estess to a public hearing for requested five foot six side yard setback for existing screen porch at 4 Lannis Avenue.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE,

MR. KANE: You'll go through this, you have to follow what's on this form, you know what to do, Paul.

MS. MASON: Just read this top part.

CATHERINE PERAINO (05-20)

Ms. Catherine Peraino and Ms. Mary Ann Massina appeared before the board for this proposal.

MR. KANE: Request for 17' rear yard setback for existing addition at 275 Lake Road. Tell us what you want to do.

MS. MASSINA: They just want to know about the extension.

MR. KANE: It's been there over 30 years?

MS. PERAINO: Yes.

MR. KANE: Any complaints about it formally or informally?

MS. PERAINO: Not from anybody and it doesn't infringe on anybody's property.

MR. KANE: Were you there when the addition was built?

MS. PERAINO: Yes.

MR. KANE: Do you remember was there any cutting down of trees or substantial vegetation?

MS. PERAINO: No, nothing.

MR. KANE: No water hazards?

MS. PERAINO: No.

MR. KANE: Questions I have to ask.

MS. PERAINO: That's okay.

MR. KANE: So no water problems?

MS. PERAINO: No.

MR. KANE: And there are no easements in this area, you on Town water and sewer?

MS. MASSINA: We're on sewer but it's well water.

MR. KANE: There's no easements going through where the addition is?

MS. PERAINO: No.

MR. KANE: The top one is the addition, you guys have pictures?

MR. REIS: Yes.

MR. KANE: With the addition, it's still similar in size to other homes that are in your neighborhood?

MS. MASSINA: Yes, yes, mine is smaller but the one next door to me is.

MR. KANE: It's not oversized for that particular area?

MS. MASSINA: No.

MR. KRIEGER: It's similar not identical?

MS. MASSINA: Right, similar.

MR. KANE: Any other questions?

MR. KANE: Just so we have to do this again for the public hearing that's when it makes it legal and the board will make its decision at that point. If the variance is approved you still, the addition still has to meet all the requirements from the building inspector so he will come in and check the electric and

make sure everything is up to code, he'll take care of it when he comes. We'll vote and we'll tell you what she has to do.

MR. MC DONALD: Accept a motion?

MR. KANE: Yes.

MR. MC DONALD: Make a motion we grant Miss Peraino a public hearing for request for 17 foot 3 yard setback for the existing addition at 275 Lake Road in an R-4 zone.

MS. LOCEY: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. KANE: What we just did is we set you up, by law, you have to do a public hearing, so what we did was we got preliminary information here from you and there's nothing here that's outstanding or difficult, so now you'll come back and do the same thing after you meet all the requirements on that page. If you have any questions, give Myra a call.

MS. MASSINA: I will, thanks, thanks very much.

THERESA SWEENEY (05-21)

Ms. Theresa Sweeney appeared before the board for this proposal.

MR. KANE: Request for 45,674 minimum lot area and 10 ft. side yard setback (each side) for proposed single family dwelling at 689 Mt. Airy Road. Tell us what you want to do.

MS. SWEENEY: Actually going to be 691, I live at 689.

MR. KANE: The building is going to be at 691?

MR. BABCOCK: How about 693?

MS. SWEENEY: I don't think so.

MR. BABCOCK: This is computer generated so I can tell you.

MS. SWEENEY: I live at 689, the lot is right adjacent so I figured it's 691.

MR. BABCOCK: This comes off the section, block and lot, so I would say 693 is correct and if it's not, we'll take care of it.

MR. KANE: Just so we get the notice correct. Tell us what you want to do.

MS. SWEENEY: Build a house.

MR. KANE: You want to build a single family home?

MS. SWEENEY: For myself to live in.

MR. KANE: How big is the home going to be?

MS. SWEENEY: 1,978, square feet.

MR. KANE: So it's not an overly big home?

MS. SWEENEY: It's a little smaller than my parents next door.

MR. KANE: Be cutting down a lot of trees and substantial vegetation?

MS. SWEENEY: There's no trees on the lot, it's bare except for some thorny bushes.

MR. KANE: Will you be creating any ponding of water on that piece of property?

MS. SWEENEY: No, it's on a hill.

MR. KANE: Creating any runoff or water hazards with the runoff?

MS. SWEENEY: Not that I know of, all the houses are on a hill.

MR. KANE: No easements going through but you're going to be on septic and well?

MS. SWEENEY: Well and septic, septic, sewer's there.

MR. BABCOCK: Ma'am, you can't hook up to the sewer in this area?

MS. SWEENEY: Sewer is there.

MR. BABCOCK: So it's going to be sewer?

MS. SWEENEY: Town sewer but well water.

MR. BABCOCK: Mr. Chairman, this is in a subdivision that was about 14 or 16 lots, something like that, I'm pretty sure this is the last lot that's left, every

house is built around it.

MR. KANE: Under the previous zoning, it wouldn't be as high as 45,000 square feet?

MR. BABCOCK: It was approved by the planning board so it was a legal lot until the zoning changed.

MR. MC DONALD: So the only reason they're here now is because of the zoning change?

MR. BABCOCK: The lot size then was 32,000, I don't know, 32,670, I think, and she had 34,326 so she met the zoning till it changed, the side yard's the same thing, used to be 20 foot now it's 40 foot.

MR. KANE: Okay, any other questions?

MS. GANN: No.

MS. LOCEY: No questions.

MR. KANE: I'll accept a motion.

MS. GANN: I'd like to offer a motion that we set up Theresa Sweeney for a public hearing for request for 45,674 minimum lot area and a 10 foot side yard setback for proposed single family dwelling at 693 Mt. Airy Road in an R-3 zone.

MR. MC DONALD: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

ANGELA ODDO (05-22)

MR. KANE: Request for 5 ft. rear yard setback for existing pool deck and 17 ft. side yard setback for existing house deck and 7 ft. side yard setback and 6 ft. rear yard setback for existing shed all at 2 Mitchell Lane.

Ms. Angela Oddo appeared before the board for this proposal.

MR. BABCOCK: Just want to clarify that just a little bit, it's 10 foot on each side.

MR. KANE: Ten foot each side.

MR. BABCOCK: Just so the paperwork is right.

MR. KANE: Yeah, it's supposed to be 10 foot on each side. Tell us what you want to do.

MS. ODDO: I'm selling my home now and these things have come up on the title search, they were existing, I just want to state the side deck was existing.

MR. KANE: Existing when you purchased the home?

MS. ODDO: Yes.

MR. KANE: How long have you owned it?

MS. ODDO: Twelve years and the shed also.

MR. KANE: Shed was existing then too?

MS. ODDO: Yes.

MR. KANE: Have you had any complaints about the existing house deck or the shed formally or informally?

MS. ODDO: No.

MR. KANE: It was existing so you have no idea if there was any substantial trees or vegetation cut down or water hazards anything like that?

MS. ODDO: No.

MR. KANE: Are you on town water and sewer?

MS. ODDO: Yes.

MR. KANE: So there are no problems with easements running through the property?

MS. ODDO: No.

MR. KANE: How old is the pool deck?

MS. ODDO: Four years old.

MR. KANE: Any complaints about the pool deck formally or informally?

MS. ODDO: No.

MR. KANE: You realize that if we pass this with the public hearing you still have to meet all the requirements from the building inspector to get the C.O.?

MS. ODDO: Yes.

MR. KANE: Any other questions?

MS. GANN: No.

MS. LOCEY: No.

MR. KANE: I'll accept a motion.

MR. REIS: I'll make a motion that we set up Angela Oddo for a public hearing for requested variances of five foot rear yard setback for existing pool deck, 17 foot side yard setback for existing house deck and 7 foot side yard setback and 6 foot rear yard setback for existing shed at 2 Mitchell Lane.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

PUBLIC HEARINGS:

ALLEN DANTAS (05-14)

MR. KANE: Request for 24,604 minimum lot area for proposed two family dwelling on Dean Hill Road.

Mr. Allen Dantas appeared before the board for this proposal.

MR. KANE: Is there anybody in the audience for this particular meeting? We're going to pass out a sheet so that you can just write your name and address for the stenographer so she has that information. So if you'd please sign that. When the public portion of the meeting opens up, you'll be allowed to speak or ask questions, whatever you need to at that time. Please try not to be repetitive, we'll try to get you the answers that you need. Okay? Tell us what you want to do.

MR. DANTAS: Hi, I want to build a two-family home in that particular lot that I owned for about 20 years. The zoning changed as soon as I bought it and that's why I'm here, it was a half acre lot with three utilities, 3/4 of an acre with one utility, I have 2.2 acres.

MR. BABCOCK: Mr. Chairman, as you're aware, the old zoning size of the lots were regulated by the amount of utilities you had. If you had town water, the lot could be smaller. If you had town water and town sewer, the lot could be smaller yet. And today the zoning took all that out, it doesn't matter whether you have water and sewer, it has no, regardless of water and sewer, the lot size is the same.

MR. KANE: So before without the zoning change three months ago he would not even be here?

MR. BABCOCK: That's correct.

MR. KANE: Will you be cutting down any trees, substantial vegetation in the building of this house?

MR. DANTAS: The lot was clear prior for applying for this.

MR. KANE: Create any water hazards or runoffs?

MR. DANTAS: No.

MR. KANE: Any easements running through your lot?

MR. DANTAS: No.

MR. KANE: Are you going to be on a well?

MR. DANTAS: No, city water and city sewer.

MR. KANE: Okay, at this point, I'm going to open it up to the public, hear what you guys got to say and then we'll bring it back and make a decision. You can stand up please, come up, state your name, if you have a question and say what you have to say. Anybody want to start?

MR. WENTEL: My name is Gary Wentel. Is that the lot right on Dean Hill right on the corner of Dean Hill that was just cleared?

MR. DANTAS: Yes.

MR. WENTEL: That's all I wanted to know right now.

MR. KANE: Your address, sir?

MR. WENTEL: My address is 1003 Forest Glen.

MR. KANE: Okay, sir, name and address?

MR. JOHNSON: Roy Johnson, 19 Dean Hill Road. It appears to me a two family is a little out of the context with everything else that's been built there, majority of the homes are single family homes there, quite a bit of an investment into those single family homes. To me it seems that two family, first of all, would be out of place, two, it allows for rental and people who are renting against people who on have a different understanding of people's values and I don't think that a two family is going to work in that area, I just think it's in the wrong place. Is it your intent to live there?

MR. DANTAS: Yes.

MR. JOHNSON: Are you sharing this with another relative?

MR. DANTAS: No. I could share it with a relative but I'm not going to lie to you, just to help pay for the taxes.

MR. JOHNSON: I understand the tax part of it, we all are carrying that burden, but I just think that the two family is just--

MR. DANTAS: There's a two-family house almost across the street from that lot right now.

MR. KANE: There are other two family homes.

MR. DANTAS: Almost across the street, just a few hundred feet to the left, maybe 200 feet away to the left there's a two family home there right now.

MR. BABCOCK: Mr. Chairman, just so that everybody knows he's not here because of the two family, it's a two family zone, it's a legal two family zone.

MR. KANE: Anybody could build a two-family house in that zone if they have the right property sizes. He was correct up till three months ago in the process when they changed the zoning in town and that's why he's here just to let you know.

MR. BABCOCK: It's 2.2 acres for the size of the lot.

MR. JOHNSON: So his lot is big enough to build a two family?

MR. KANE: It's actually with the change three months ago it went from enough to not enough, that's why he's here today.

MR. JOHNSON: So right now it's not enough?

MR. KANE: Exactly.

MR. JOHNSON: I'm looking at the lot and it looks like it's got three entranceways there, I'm puzzled by that, too.

MR. KANE: That will go to the planning board. I have nothing to say about that.

MR. JOHNSON: If you look where they put the rocks to go into the lot, it looks like you're going to build three houses. You're actually saying you're going to build one house?

MR. KANE: One house two family.

MR. JOHNSON: One house with two families?

MR. DANTAS: Right.

MR. KANE: So you're against it?

MR. JOHNSON: I'm sorry but I have to be against it.

MR. KANE: Thank you. Next?

MR. MANDETO: My name is Frank Mandeto, I live at 78 Riley Road. And before they filled that that was actually a runoff for Dean Hill and it was a pond where water would sit. Now that it's filled, the water is going into the ditch, going around the back and flooding my back yard, my back yard the last three storms we've had, I've had water in the entire back yard and it's still the entire yard is still wet right now because they filled that, that's all filled with dirt. I never had water in the house, now I'm getting water in the house because all that now the water has nowhere to sit, now it's coming down and instead of going into the hole that was there it's going into the ditch which is following around back behind my house and there's three houses that are getting wet.

MR. KANE: Where does the ditch empty out?

MR. MANDETO: It's going along the sides of Dean Hill when it comes down it's on Riley Road and then it turns and goes down toward Colby Kennels and it goes down the back of there and empties out into the three homes into the back yards and mine is the third house that I've had water come all the way out to the back of the house until it was filled. Never had a problem before so I'm against it.

MR. KANE: Thank you. Next?

MR. LYNADY: I live at 85 Riley Road, my name is Greg Lynady, I live next to the, to this lot and I agree with Mr. Johnson, two-family house is not going to fit in that neighborhood, it won't.

MR. KANE: There's already two family homes there, sir.

MR. LYNADY: They're all well off the road and they're

up the road.

MR. KANE: Understand.

MR. LYNADY: As far as the water runoff I got more water now than I ever had before. When I first moved in here 17 years ago, I had 1/3 horse power pump in my basement, I now have a 3 stage pump all of them half horsepower. I can't afford to have anymore water, I don't know what kind of, what he can do about the drainage in front of his place, but I know the ditch in front of his lot is filled with debris that I don't know if you guys can do anything about that, that's something altogether different as far as the--

MR. KANE: Have you checked with the building department or highway department on the clogged ditch?

MR. LYNADY: I've called, we're on a first name basis.

MR. KANE: Actually there's nothing in our power that we can do about that, just to ask that you're there, that's not under our realm.

MR. LYNADY: No repetition but I thought it was three homes there also three different driveways.

MR. KANE: No, single home, two-family house.

MR. LYNADY: That's going to be centered situated?

MR. DANTAS: Within the limits of the setbacks, yes.

MR. LYNADY: How big a home will it be?

MR. DANTAS: Two-family home, I didn't pick a home yet.

MR. LYNADY: Dimensions? You don't know?

MR. DANTAS: Going to be within the confines of the

setbacks because it's a big lot.

MR. LYNADY: Okay.

MR. KANE: Next?

MR. BOGGS: My name is Eric Boggs, I live at 82 Riley Road, not to be repetitive, I agree with these gentlemen and I'm against it also.

MR. KANE: Anybody else?

MR. HENAGHAN: Dennis Henaghan, 1004 Pine View and again I will just echo what my neighbors are saying, I'd be opposed to it.

MR. KANE: Next? Anybody else?

MR. MANDETO: Frank Mandeto again, 78 Riley Road.

MR. KANE: You get one shot because we can be here all night. Go ahead.

MR. MANDETO: As far as there being other houses directly across the street two family, there isn't one.

MR. KANE: There are two family homes in that neighborhood, sir, guarantee you.

MR. MANDETO: There is back in the woods and they don't infringe on any--

MR. KANE: You can't decide that you have an invisible line and decide not to count them, that's part of that particular zone, you've got to count them, okay just, you know, I'm not being argumentative but you can't pick and choose which ones in that zone. There are already existing two families and it is zoned for two family which means that anybody can come in and build a two-family home as long as they meet the setbacks, as

long as we meet the setbacks, they don't have to show up, as long as they fit in.

MR. MANDETO: One question, go back to the whole situation with the water, say he builds his house and now I get even more water, who's responsible for fixing my house and my property because ever since it's been filled?

MR. KANE: Don't know, I can't answer that for you. He filled the dirt in, he can leave it now, it's his property and the water keeps coming down to your property, he's not responsible, you know, I would say that we need to push to see if there's drains back there that are clogged or is there debris that needs to be taken out.

MR. MANDETO: The question you've asked each person who was here is is it going to affect drainage, you know, and so on and so forth.

MR. KANE: Right but you're saying that he's already filled the dirt in which he doesn't need to be here for and you're saying that the fill from of dirt is what caused that, the building of the home isn't going to do anything more than what he's already done, at least I don't think so.

MR. MANDETO: Well, he's bringing more dirt in to build that home and then he's also going to pitch everything away from his home so he doesn't get water and everyone else in the area does.

MR. KANE: That's going to be with the building department to make sure that he's got good drainage and you can't just build and have the whole thing flood out somebody next door either. As my attorney said that becomes a private matter between homeowners.

MR. MANDETO: Okay.

MR. LANEL: John Lanel (phonetic), 1036 Rolling Ridge. I didn't put my name on the paper but question is the zoning is for a certain amount of feet for acreage for a house, you guys changed that for a reason, why should we let this go on if it doesn't fit the code?

MR. KANE: Because we, well, not to say we're going to approve or disapprove it, but you have a certain deed line or something has been there for quite a few years and they just changed it, we believe to a degree that people will come in here and give them a little bit of leeway to do something with their property they have been paying taxes on for 20 years. Most people don't hear about the zoning changes.

MR. LANEL: But as a homeowner or landowner isn't that your business to keep abreast of these situations?

MR. KANE: That's why they have a board of appeals, that's what this is, it's an appellate board.

MR. LANEL: Okay.

MR. KANE: Any other questions? Once we close it, it's closed. Public meeting is closed. Myra, how many mailings did we have?

MS. MASON: On April 11, I mailed out 33 addressed envelopes and I had one response there.

MR. KANE: One response, this is from Miss Pisco who is against the two-family dwelling and it's not here for a two family dwelling. Okay. Now, gentleman over here was saying that you're going to have to bring in more dirt, are you going to have to build this lot up more to build a home?

MR. DANTAS: I will bring some more dirt but not to build it up and the fact that the water is clogging up

there is because of the, all the dead trees that died when the water accumulates around this area of the lot.

MR. KANE: Is that your particular lot?

MR. DANTAS: It's the debris is there, yeah, when it's built and the work has been done that could be cleaned and landscaped so the water would have a free flow to the drainage around the lot by the road.

MR. KANE: Is he able to clean that up at that drain?

MR. BABCOCK: I'm not sure, I've been by there but I didn't look at this particular area, I'm not sure whether this is a town ditch that we're talking about that need to be cleaned out or what has to be cleaned out.

MR. KANE: Okay.

MR. KRIEGER: When you say could be, you mean will be, don't you?

MR. DANTAS: It will be when construction will be done, yeah, it will be cleaned out.

MR. KRIEGER: It will be cleaned out?

MR. DANTAS: Absolutely.

MR. BABCOCK: Is this in the back of the lot?

MR. DANTAS: No, it's in the front of the lot and on the side of the lot, it's, you know, from Riley Road on the right-hand side, what I left is the trees that I didn't want to cut that's where we have to get in there and clean it up from all the debris that fell.

MR. KANE: Okay, there seems to be some concern from the neighbors that are in that area, you know, although

it's not a majority still I'd like to look at it. What I would like to do with your permission, it's up to you, I would like to table the vote for this evening until the next meeting to I personally would like to go out and take a look and see what that, what it looks like out there. I think that's only fair cause I'd like people to be able to use their lots that they're paying money on, then again, another person shouldn't have to spend thousands to clean up their water problem. So I would like to go out and take a look. I'm sure the other board members would too but if you don't want that, if you would rather we vote tonight that's your prerogative, sir.

MR. DANTAS: I wouldn't mind, I'd like to keep in good faith with my neighbors and I will do whatever we can when we build to accommodate however the low spot that it is on the lot is from all the stumps when we cleared up the lot.

MR. KANE: Myra has your phone number, we're going to give you a call, I'd like you to be out there.

MR. DANTAS: Would I have to be here for the next meeting?

MR. KANE: Yeah, it will be in the beginning of the meeting and it shouldn't take a long time, we can't open it back up to the public, we're just going to come in here, probably state what we saw and then take a vote.

MR. DANTAS: No problem.

MR. KANE: Does that seem like a fair resolution at this point?

MR. LYNADY: Do we get notified of the hearing?

MR. KANE: You won't get another letter, it will be the

next meeting which we meet on the second and fourth Mondays, May 9th will be, that's when we'll make a decision on it.

MR. DANTAS: I'd like to add one more thing, prior to cleaning that lot that was a neighborhood dump, I took truck loads of garbage that I have to pay \$75.00 a ton to dump it between tires, paint cans and all kinds of stuff that was laying around there, some people go by and toss bags of garbage there. So, I mean, I've been picking it up.

MR. KANE: All over New Windsor and Newburgh, believe me, any empty lot. So that's fair? I'd like a motion to table.

MR. REIS: Can I make a comment first? It seems that the neighbors made objections here because of the potential runoff, is that accurate? And I believe my point of view is that whether he builds a single family or two family and he makes this, even if it was single family and it took up the space of a two family potential that he's not going to create anymore or any less whether it be single family or two family.

MR. BABCOCK: That's correct.

MR. REIS: Follow me?

MR. KANE: What can happen if he wanted to and you correct me if I'm wrong on this, if he wasn't going for a two family and one family have two different acreage things, correct, so if he just wanted to put a single-family home of that size he probably wouldn't even be here.

MR. BABCOCK: That's right.

MR. KANE: As far as the water runoff because it's zoned for two, so two family is not a question, it's

zoned, we're looking at a water situation, this way the two family question is a moot point because it's already zoned for two family, okay, so I'll give you a call and get the members together and we'll come out and take a look at the lot.

MR. LANEL: What is he here for, is it for the runoff or two family?

MR. KANE: For lot size.

MR. LANEL: He's not big enough to build a single family?

MR KANE: Two-family home on that lot.

MR. LANEL: What about single family?

MR. KANE: He can, he doesn't need anybody's approval, needs nothing.

MR. LANEL: Then I'm against the two family if he's here for a variance for a two family, then let's talk about that as well as the runoff.

MR. KANE: We are.

MR. LANEL: Is the house going to be small because it's a one family opposed to a two family?

MR. KANE: Doesn't make a difference, it has to do with the lot size, doesn't make a difference how big the lot is, if it fits in all the setbacks he can make a small two family, a big single family rather that fits in the setbacks, doesn't have to be here at all. The question with a two family now is that the lot size has to be bigger to handle a two-family house with the cars and all that kind of stuff, so that's the situation.

MR. LANEL: Well I'm opposed to the two family, that's

about it.

MR. JOHNSON: His reason for wanting a two family is because of the taxes and like I said, I can understand that because we're all carrying that burden of the taxes and to me if we're biting the bullet my feeling is if he wants to be there he should bite the bullet too, even though you say two families are permitted, the lot is not big enough right now for two family, you have to give him a variance.

MR. KANE: We're being repetitive, I understand your feeling, believe me. You have something different you want to say?

MR. JOHNSON: I just have a, you know, it just bothers me that the two family is up there.

MR. KANE: Person has right to build on their property and it's zoned for two family, if he can squeeze it in he'd be doing it, that's why he's here just because of the change, otherwise he wouldn't be here. Any other questions while I have--now we're done. Okay, Mike, vote to postpone the meeting.

MR. REIS: Make a motion that we table, postpone this public hearing until the next meeting May 9 for a final decision for the requested variance of 24,604 minimum lot area for proposed two-family dwelling on Dean Hill Road.

MR. MC DONALD: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

JOHNATHAN GODFRY (05-10)

Mr. Johnathan Godfry appeared before the board for this proposal.

MR. KANE: Requests variance for five feet side yard setback and accessory building to project nearer to the street than the principal building for proposed storage contained at 271 Riley Road. Tell us what you want to do.

MR. GODFRY: Just putting up a storage facility on my own property next to my garage for storage. I have a clearing between my property line and my garage and it just is a perfect spot, it's hidden, kind of concealed, can't really see too much of it so it's really--

MR. KANE: In looking at your property, you live on basically on a slope and it's really the only place you can put that?

MR. GODFRY: Exactly.

MR. KANE: Will you be creating any water hazards or runoffs in the placing of the trailer?

MR. GODFRY: No, sir.

MR. KANE: Cutting down any trees or substantial vegetation?

MR. GODFRY: It's already cleared.

MR. KANE: Any easements in that area?

MR. GODFRY: No.

MR. KANE: At this point, I will ask if there's anybody in the audience for a public hearing? Seeing as there's not, we'll close that and ask Myra how many

mailings she had?

MS. MASON: On April 11, I mailed at 12 addressed envelopes and had no response.

MR. KANE: Okay, yes?

MR. KRIEGER: How will it be or will it be screened from the view of motorists on adjacent roadway?

MR. GODFRY: There's in front of the garage area I have one picture it's kind of blocked by woods, the other thing I'm going to do is I'm going to enclose it, I'm going to paint it obviously to match and I'm also going to put a lattice type front to make it aesthetically better looking.

MR. KANE: Okay.

MR. KRIEGER: So it's partially obscured by vegetation, you're going to take care of the rest?

MR. GODFRY: Yes.

MR. REIS: How large is this?

MR. GODFRY: It's 8 feet wide, 20 feet long.

MR. KANE: Any other questions?

MS. GANN: No.

MR. MC DONALD: No. Accept a motion?

MR. KANE: Yes, I would just like you to put into the motion that he does do the lattice work and the painting.

MR. MC DONALD: I make a motion that we grant the approval for Johnathan Godfry for a variance for five

foot side yard setback for accessory building to project nearer to the street than the principal building with the stipulations that you mentioned at 271 Riley Road.

MR. REIS: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

FORMAL DECISION:

MARY BURTON (04-75)

MR. REIS: Make a motion to approve the written decision for Mary Burton, 04-75.

MR. MC DONALD: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

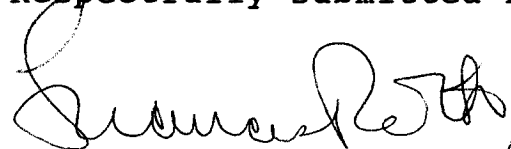
MR. REIS: So moved.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

4/26/05